

STAFF SUMMARY FOR DECEMBER 12-13, 2018

33. WATERFOWL**Today's Item****Information** ☐**Action** ☒

Consider authorizing publication of notice of intent to amend annual migratory waterfowl regulations, including issuance of a federal electronic stamp.

Summary of Previous/Future Actions

- | | |
|---------------------------------|-----------------------------------|
| • WRC vetting | Sep 20, 2018; WRC, Sacramento |
| • Today's Notice hearing | Dec 12-13, 2018; Oceanside |
| • Discussion hearing | Feb 6, 2019; Sacramento |
| • Adoption hearing | Apr 17-18, 2019; Los Angeles |

Background

DFW proposes changes to migratory waterfowl regulations in Section 502 (Exhibit 2), to match the proposed frameworks for the 2019-20 season which are approved by the Pacific Flyway Council and are adopted by the U. S. Fish and Wildlife Service (Service). The proposed frameworks allow for a liberal, 107-day duck season. Duck daily bag limit ranges and duck season length ranges are provided to allow FGC flexibility (Exhibit 2).

A range of season length and bag limits (zero bag limit represents a closed season) is also provided for black brant. The ranges are necessary, as the black brant frameworks cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2019.

DFW recommendations are to:

- (1) add small Canada geese to the regular season in subsection 502(d)(1)(B) for the Northeastern California Zone,
- (2) add small Canada geese to season in subsection 502(d)(6)(A)3 for the Klamath Basin Special Management Area, and
- (3) open the late season for white geese two weeks after the close of the regular season in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area.

Section 509 (Exhibit 3) incorporates requirements found in Federal regulations, including a requirement that hunters must possess a Federal migratory-bird hunting and conservation stamp for the taking of migratory birds. To be consistent with Federal regulations and allow DFW to issue electronic Federal migratory-bird hunting and conservation stamps in the future, amendments to the text of Section 509 are necessary.

The California Waterfowl Association will express a desire (see late comments) to close the waterfowl season on Jan 31 instead of the last Sunday in Jan. The Service Regulation Committee (SRC) of the Pacific Flyway recently approved the Jan 31 request for Mississippi and any other state that may wish to change. This last-minute option was only recently received by DFW and it has not been analyzed in either the draft initial statement of reasons or the draft environmental documents (already filed with the State Clearinghouse). DFW is

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recommending no change to the season close day (last Sunday in Jan) until there has been adequate opportunity to vet the effects of this change. There are several reasons for DFW's recommendation:

- An analysis of the Jan 31, 2020 season closure was not included in the environmental document filed with State Clearinghouse.
- Jan 31 may or may not fall on a Sunday (in 2020 it falls on Friday). Traditionally, duck hunting seasons open and close on weekends. There are no data (human dimensions/hunter surveys) to support a midweek change. Public hunt areas get more use on weekends than they do midweek and most people have Monday-Friday jobs. So a midweek opener/closure may have an economic effect on local businesses.
- If the duck season were to close on a non-Sunday, the way California's season lengths are currently configured, it would require the opening day for other hunts to fall on a non-weekend as well.
- One option would be to open on a Saturday and then close for a few days during the week in order to take advantage of the January 31 closing date, but this complicates regulations. The public hunt areas that the Department administers receive more use on weekends as opposed to midweek and most people have Monday-Friday jobs.
- Opening on a Saturday and then closing for a few days during the week would also affect youth hunt days, which are currently held seven days after the close of the regular season, and split seasons.

The DFW Waterfowl Program tends to take cautious steps (supported by data) when recommending major changes to hunting season regulations; DFW recommends fully vetting consideration of a Jan 31 end date, and its consequences for hunters, hunting seasons, and local businesses.

Significant Public Comments (N/A)

Recommendation

FGC staff: Authorize publication of a notice as recommended by DFW, and properly vet a potential change to the season closure.

Committee: Authorize publication of a notice as recommended by DFW.

DFW: Authorize publication of a notice as proposed in the initial statement of reasons (ISOR).

Exhibits

1. DFW memo, received Nov 6, 2018
2. Draft migratory waterfowl (ISOR)
3. Draft concurrence with federal regulations ISOR
4. Draft economic and fiscal impact statement (Std. 399)

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Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 502 and 509 related to annual waterfowl regulations.

2019 NOV -6 PM 1:30

Memorandum

Date: November 15, 2018

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Submittal of Initial Statement of Reasons to Amend Section 502, Title 14, California Code of Regulations (CCR), Waterfowl, Migratory, American Coot and Common Moorhen; and Section 509, Title 14, CCR, Concurrence with Federal Regulations**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publication of notice of its intent to amend Sections 502 and 509, Title 14, CCR. The Department is proposing to amend Section 502 for the 2019-20 waterfowl season; and, amend Section 509 to include the Federal Electronic Duck Stamp as a valid means of compliance with regulations requiring possession of a Federal migratory-bird hunting and conservation stamp.

The Department is proposing three changes to the existing waterfowl regulations for the 2019-20 season:

1. Add Small Canada Geese to the Regular Season in subsection 502(d)(1)B for the Northeastern Zone;
2. Add Small Canada Geese to Season in subsection 502(d)(6) for the Klamath Basin Special Management Area;
3. Open the Late Season for white geese two weeks after the close of the Regular Season in subsection 502(d)(9) for the Imperial County Special Management Area.

The 2019 draft Environmental Document for Migratory Game Bird Hunting is under development and will be provided to the Commission prior to the discussion hearing.

If you have any questions regarding this item, please contact Kari Lewis, Wildlife Branch Chief, at (916) 445-3789. The public notice for this rulemaking should identify Senior Environmental Scientist, Melanie Weaver as the Department's point of contact. She can be reached at (916) 445-3717 or via email: Melanie.Weaver@wildlife.ca.gov.

Attachment

Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission
November 15, 2018
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ec: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

David Bess, Chief
Law Enforcement Division
David.Bess@wildlife.ca.gov

Kari Lewis, Chief
Wildlife Branch
Kari.Lewis@wildlife.ca.gov

Melanie Weaver, Waterfowl Program Leader
Wildlife Branch
Melanie.Weaver@wildlife.ca.gov

Brad Burkholder, Wildlife Branch
Game Program Manager
Brad.Burkholder@wildlife.ca.gov

Michelle Selmon, Program Manager
Regulations Unit
Wildlife and Fisheries Division
Michelle.Selmon@wildlife.ca.gov

Mike Randall, Analyst
Regulations Unit
Wildlife and Fisheries Division
Mike.Randall@wildlife.ca.gov

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR PROPOSED REGULATORY ACTION

Amend Section 502
Title 14, California Code of Regulations
Re: Waterfowl, Migratory; American Coot and
Common Moorhen (Common Gallinule)

I. Date of Initial Statement of Reasons: November 5, 2018

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|---------------------------|
| (a) Notice Hearing: | Date: | December 13, 2018 |
| | Location: | Oceanside, CA |
| (b) Discussion Hearing: | Date: | February 6, 2019 |
| | Location: | Sacramento, CA |
| (c) Adoption Hearing: | Date: | April 17, 2019 |
| | Location: | Los Angeles/Oceanside, CA |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The U.S. Fish and Wildlife Service (Service) annually establishes federal regulation frameworks (Frameworks) for migratory bird hunting. California must set its waterfowl hunting regulations within the Frameworks. These Frameworks describe the earliest dates that waterfowl hunting seasons may open, the maximum number of days hunting can occur, the latest dates that hunting seasons must close, and the maximum daily bag limit. The proposed hunting season Frameworks for a given year are developed in the fall of the prior year, for a majority of species and populations. For example, the breeding populations (including the California Breeding Population Survey) and habitat conditions observed in 2018 and the regulatory alternatives selected for the 2018 hunting season will be used to develop the Frameworks for the 2019-20 season.

States may make recommendations to change the Frameworks. These recommendations are made to Flyway Councils during August or September. The Councils may elect to forward recommendations to the Service. The Service may elect to incorporate proposed changes in the Frameworks. The Service considers these and other recommendations at the Service's Regulation Committee public meeting held in late October. Proposed season Frameworks are typically published by mid-December and final Frameworks published by late February.

Section 355 of the Fish and Game Code authorizes the Fish and Game Commission (Commission) to adopt annual regulations pertaining to the hunting of migratory birds that conform with, or further restrict, the regulations prescribed by the Service pursuant to its authority under the Migratory Bird Treaty Act. The Commission selects and establishes in State regulations the specific hunting season dates and daily bag limits within the Frameworks.

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. The proposed Frameworks for the 2019-20 season were approved by the Flyway Councils and will be considered for adoption at the Service's Regulations Committee meeting October 16-17, 2018. The proposed Frameworks allow for a liberal duck season which includes a 107 day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86 day season). Duck daily bag limit ranges and duck season length ranges are provided to allow the Commission flexibility.

A range of season length and bag limit (zero bag limit represents a closed season) is also provided for black brant. The range is necessary, as the black brant Framework cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2019. The regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the January survey, well before the adoption meeting. See tables in the Informative Digest for season and bag limits.

Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The specific recommended regulation changes are:

- 1) Add Small Canada geese to the Regular Season in subsection 502(d)(1)(B) for the Northeastern California Zone.

The existing regulation only identifies Large Canada geese during the Regular Season. Small Canada geese were inadvertently omitted from the Regular Season when white-fronted goose seasons were modified in prior year rulemakings. Dark geese include both Small and Large Canada geese, and white-fronted geese. Dark geese remained listed under Daily Bag and Possession Limits but were removed from the Regular Season to accommodate the modified white-fronted goose seasons. This recommendation is to clarify the intent of the regulation and to maintain the hunting season for Small Canada geese in the zone.

- 2) Add Small Canada geese to Season in subsection 502(d)(6)(A)3 for the Klamath Basin Special Management Area.

See item 1 above for justification. This recommendation is to clarify the intent of the regulation and to maintain the hunting season for Small Canada geese in the special management area.

- 3) Open the Late Season for white geese two weeks after the close of the Regular Season in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area.

The existing regulation opens the Late Season one week after the close of the Regular Season. The proposed change is intended to allow private landowners to use hunting as a tool to disperse geese and minimize depredation when the greatest concentration of white geese are present.

- (b) Goals and Benefits of the Regulation:

The goals and benefits of the regulations are to provide for the conservation and maintenance of sufficient waterfowl populations to ensure their continued existence.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

- (c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 202 and 355, Fish and Game Code.

Reference: Sections 202, 355, and 356, Fish and Game Code.

- (d) Specific Technology or Equipment Required by Regulatory Change: None.
- (e) Identification of Reports or Documents Supporting Regulation Change: None.
- (f) Public Discussions of Proposed Regulations Prior to Notice Publication:

This proposal was discussed at the Wildlife Resources Committee meeting held on September 20, 2018 and a public scoping session will be held on October 18, 2018.

IV. Description of Reasonable Alternatives to Regulatory Action

- (a) Alternatives to Regulation Change:

No other alternatives were identified.

- (b) No Change Alternative:

The No Change Alternative would not identify a season, or bag and possession limits for Small Canada geese in the Northeastern Zone.

The No Change Alternative would not identify a season, or bag and possession limits for Small Canada geese in the Klamath Basin Special Management Area.

The No Change Alternative would not open the late white goose season in the Imperial County Special Management Area two weeks after the close of the general season.

- (c) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations would provide additional recreational opportunity to the public and could result in minor increases in hunting days and hunter spending on equipment, fuel, food and accommodations.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed waterfowl regulations will set the 2019-20 waterfowl hunting season dates and bag limits within the federal Frameworks. Little to minor positive impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations for the 2019-20 waterfowl hunting season.

The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California, estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing a few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the

long-term viability of these same small businesses.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment:

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Little to minor positive impacts on the creation of jobs within businesses that provide services to waterfowl hunters may result from the adoption of the proposed waterfowl hunting regulations for the 2019-20 season. The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife-associated recreation for California, estimated that waterfowl hunters contributed about \$169,115,000 to small businesses in California during the 2011 waterfowl hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses. The 2011 report is posted on the U.S. Department of Commerce website https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011_Survey.htm.

(a) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

- (b) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed minor variations in waterfowl bag limits are, by themselves, unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of various businesses that serve recreational waterfowl hunters.

- (c) Benefits of the Regulation to the Health and Welfare of California Residents:

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

- (d) Benefits of the Regulation to Worker Safety:

The regulations will not affect worker safety because they do not address working conditions.

- (e) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of waterfowl resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of waterfowl to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based waterfowl seasons, bag and possession limits provides for the maintenance of sufficient waterfowl populations to ensure those objectives are met. The fees that hunters pay for licenses and stamps fund wildlife conservation.

- (e) Other Benefits of the Regulation:

Hunting seasons provide an incentive for private land owners to maintain waterfowl habitat, mainly wetlands, that benefit waterfowl and other wetland dependent wildlife.

Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. The proposed Frameworks for the 2019-20 season were approved by the Flyway Councils and will be considered for adoption at the Service's Regulations Committee meeting October 16-17, 2018. The proposed Frameworks allow for a liberal duck season which includes a 107 day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86 day season). Duck daily bag limit ranges and duck season length ranges are provided to allow the Commission flexibility.

A range of season length and bag limit (zero bag limit represents a closed season) is also provided for black brant. The ranges are necessary, as the black brant Frameworks cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2019. The regulatory package is to be determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the January survey, well before the adoption meeting. (See tables in the Informative Digest for season and bag limits.) Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The Department's recommendations are as follows:

1. Add Small Canada geese to the Regular Season in subsection 502(d)(1)(B) for the Northeastern California Zone.
2. Add Small Canada geese to Season in subsection 502(d)(6)(A)3 for the Klamath Basin Special Management Area.
3. Open the Late Season for white geese two weeks after the close of the Regular Season in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal Frameworks.

Benefits of the regulations

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the State's waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2019-20.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section

502 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

DRAFT

Summary of Proposed Waterfowl Hunting Regulations for 2019-20			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, Dark Geese and White Geese. White geese and dark geese may be split 3-ways.</i>	Ducks	Between 38 & 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 105 days	30/day, which may include: 20 white geese, 10 dark geese, no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and scaup</i>	Ducks	Between 38 & 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	Between 38 & 105 days	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup</i>	Ducks	Between 38 & 100 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 100 days	23/day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup</i>	Ducks	101 days	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks. 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	101 days	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 100 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	Early Season: 5 days (Canada goose only) Regular Season: no longer than 100 days Late Season: 5 days (whitefronts and white geese)	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
SPECIAL MANAGEMENT AREAS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in January.	10/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit (West Side)	All species	Closed during brant season	

Summary of Proposed Waterfowl Hunting Regulations, Continued			
Klamath Basin	Dark and white geese	105 days except for Canada geese which cannot exceed 100 days or extend beyond the last Sunday in January.	30/day, which may include: 20 white geese, 10 dark geese only 2 may be a Large Canada goose. Possession limit triple the daily bag.
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	No longer than 37 days and closing no later than Dec 14.	[0-2]/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	No longer than 37 days and closing no later than Dec 15.	[0-2]/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	Up to 102 days	20/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	(NOTE: To participate in these Youth Waterfowl Hunts, federal regulations require that hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)		
	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	The Saturday following the closing of waterfowl season extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The Saturday following the closing of waterfowl season extending for 2 days.	Same as regular season
Colorado River Zone	Same as regular season	The Saturday following the closing of waterfowl season extending for 2 days.	Same as regular season
Balance of State Zone	Same as regular season	The Saturday following the closing of waterfowl season extending for 2 days.	Same as regular season
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/day. Possession limit 9
Balance of State Zone	Same as regular season	Between 38 and 107 days	3/day. Possession limit 9
Southern San Joaquin Valley Zone	Same as regular season	Between 38 and 107 days	3/day. Possession limit 9
Southern California Zone	Same as regular season	Between 38 and 107 days	3/day. Possession limit 9
Colorado River Zone	Same as regular season	105 days	3/day. Possession limit 9

REGULATORY TEXT

Section 502, Title 14, CCR, is amended as follows:

§ 502. Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule).

... [No changes to subsections (a) through (b)(6)]

(c) Seasons and Bag and Possession Limits for American Coots, and Common Moorhens.		
(1) Statewide Provisions.		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
American Coot and Common Moorhen	Concurrent with duck season(s)	Daily bag limit: 25, either all of one species or a mixture of these species. Possession limit: triple the daily bag limit.
(d) Seasons and Bag and Possession Limits for Ducks and Geese by Zone.		
(1) Northeastern California Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers)	From the first Saturday in October extending for 105 days. Scaup: from the first Saturday in October extending for a period of 58 days and from the fourth Saturday in December extending for a period of 28 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than the last Sunday in January. Season may be split into two segments and will be between 38 and 105 days except for some species that may have a shorter season than the general duck season.]</u>	Daily bag limit: 7 <u>[4-7]</u> Daily bag limit may include: • 7 <u>[3-7]</u> mallards, but not more than 2 <u>[1-2]</u> females. • 2 <u>2</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). Possession limit: triple the daily bag limit.
Geese	Regular Season: <u>Small and Large Canada Geese:</u> from the first Saturday in October	Daily bag limit: 30 Daily bag limit may include: • 20 white geese.

	<p><u>extending for 100 days. [Opening no earlier than the Saturday closest to October 1 and closing no later than the last Sunday in January. Season will be no longer than 100 days.]</u></p> <p>White-fronted geese and white geese from the first Saturday in October extending for a period of 58 days and from the first Saturday in January extending for a period of 14 days. <u>[opening no earlier than the Saturday closest to October 1 and closing no later than the last Sunday in January. Season may be split into two segments and no longer than 100 days.]</u></p> <p>Late Season: White-fronted and white geese from February 6 <u>extending for 33 days. [Season will be no longer than 33 days and closing no later than March 10.]</u></p> <p>During the Late Season, hunting is only permitted on Type C wildlife areas listed in Section 550-552, navigable waters, and private lands with the permission of the land owner under provisions of Section 2016, Fish and Game Code. Hunting is prohibited on Type A and Type B wildlife areas, the Klamath Basin National Wildlife Refuge Complex, the Modoc National Wildlife Refuge, and any waters which are on, encompassed by, bounded over, flow over, flow through, or are adjacent to any Type A and Type B wildlife areas, the Klamath Basin National Wildlife Refuge Complex, or the Modoc National Wildlife Refuge.</p>	<ul style="list-style-type: none"> • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)). <p>Possession limit: triple the daily bag limit.</p>
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(2) Southern San Joaquin Valley Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers)	<p>From the third Saturday in October extending for 100 days.</p> <p>Scaup: from the first Saturday in November extending for 86 days.</p> <p><u>[Opening no earlier than the Saturday closest to October 1 and closing no later than the last Sunday in January. Season may be split into two segments and will be between 38 and 105 days except for some species that may have a shorter season than the general duck season.]</u></p>	<p>Daily bag limit: 7<u>[4-7]</u></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7<u>[3-7]</u> mallards, but not more than 2 <u>[1-2]</u> females. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>
Geese	From the third Saturday in October extending for 100 days.	<p>Daily bag limit: 30</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 10 dark geese (see definitions: 502(a)). <p>Possession limit: triple the daily bag limit.</p>
(3) Southern California Zone (NOTE: SE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers)	<p>From the third Saturday in October extending for 100 days.</p> <p>Scaup: from the first Saturday in November extending for 86 days.</p> <p><u>[Opening no earlier than the Saturday closest to October 1 and closing no later than the last Sunday in January. Season may be split into two segments and will be between 38 and 105 days except for some species that may have a shorter season than the general duck season.]</u></p>	<p>Daily bag limit: 7<u>[4-7]</u></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7<u>[3-7]</u> mallards, but not more than 2 <u>[1-2]</u> females. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>

Geese	From the third Saturday in October extending for 100 days.	<p>Daily bag limit: 23 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 3 dark geese <p>(see definitions: 502(a)).</p> <p>Possession limit: triple the daily bag limit.</p>
(4) Colorado River Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers).	<p>From the third Friday in October extending for 101 days.</p> <p>Scaup: from the first Saturday in November extending for 86 days. [Opening no earlier than the <u>Saturday closest to October 1 and closing no later than the last Sunday in January. Season will be 101 days except for some species that may have a shorter season than the general duck season.</u>]</p>	<p>Daily bag limit: 7 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7 mallards, but not more than 2 females or Mexican-like ducks. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>
Geese	<p>From the third Friday in October extending for 101 days.</p> <p>[Opening no earlier than the <u>Saturday closest to October 1 and closing no later than the last Sunday in January. Season will be 101 days.</u>]</p>	<p>Daily bag limit: 24 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 4 dark geese <p>(see definitions: 502(a)).</p> <p>Possession limit: triple the daily bag limit.</p>

(5) Balance of State Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers).	<p>From the third Saturday in October extending for 100 days.</p> <p>Scaup: from the first Saturday in November extending for 86 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than the last Sunday in January. Season may be split into two segments and will be between 38 and 100 days except for some species that may have a shorter season than the general duck season.]</u></p>	<p>Daily bag limit: 7<u>[4-7]</u> Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7<u>[3-7]</u> mallards, but not more than 2 <u>[1-2]</u> females. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>
Geese	<p>Early Season: Large Canada geese only from the Saturday closest to October 1 for a period of 5 days EXCEPT in the North Coast Special Management Area where Large Canada geese are closed during the early season.</p> <p>Regular Season: Dark and white geese from the third Saturday in October extending for 100 days EXCEPT in the Sacramento Valley Special Management Area where the white-fronted goose season will close after December 21.</p> <p>Late Season: White-fronted geese and white geese from the second Saturday in February extending for a period of 5 days EXCEPT in the Sacramento Valley Special Management Area where the white-fronted goose season is closed. During the Late Season, hunting is not permitted on wildlife areas listed</p>	<p>Daily bag limit: 30 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 10 dark geese <p>EXCEPT in the Sacramento Valley Special Management Area where only 3 may be white-fronted geese (see definitions: 502(a)).</p> <p>Possession limit: triple the daily bag limit.</p>

	in Sections 550-552 EXCEPT on Type C wildlife areas in the North Central and Central regions.		
(6) Special Management Areas (see descriptions in 502(b)(6))			
	(A) Species	(B) Season	(C) Daily Bag and Possession Limits
1. North Coast	All Canada Geese	From October 31 <u>November 1</u> extending for a period of 89 <u>87</u> days (Regular Season) and from February 23 <u>22</u> extending for a period of 16 <u>18</u> days (Late Season). During the Late Season, hunting is only permitted on private lands with the permission of the land-owner under provisions Section 2016, Fish and Game Code.	Daily bag limit: 10 Canada Geese of which only 1 may be a Large Canada goose (see definitions: 502(a)), EXCEPT during the Late Season the bag limit on Large Canada geese is zero. Possession limit: triple the daily bag limit.
2. Humboldt Bay South Spit (West Side)	All Species	Closed during brant season	
3. Klamath Basin	Geese	<u>Small and Large</u> Canada Geese from the first Saturday in October extending for 100 days. White-fronted and white geese from the first Saturday in October extending for 105 days.	Daily bag limit: 30 Daily bag limit may include: <ul style="list-style-type: none">• 20 white geese.• 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
4. Sacramento Valley	White-Fronted Geese	Open concurrently with the goose season through December 21, and during Youth Waterfowl Hunting Days.	Daily bag limit: 3 white-fronted geese. Possession limit: triple the daily bag limit.

5. Morro Bay	All species	Open in designated area only from the opening day of brant season through the remainder of waterfowl season.	
6. Martis Creek Lake	All species	Closed until November 16.	
7. Northern Brant	Black Brant	From November 8 extending for 37 days. <u>Season will be between 0 and 37 days, closing no later than December 14.]</u>	Daily bag limit: 2 <u>[0-2]</u> Possession limit: triple the daily bag limit.
8. Balance of State Brant	Black Brant	From November 9 extending for 37 days. <u>Season will be between 0 and 37 days, closing no later than December 15.]</u>	Daily bag limit: <u>[0-2]</u> Possession limit: triple the daily bag limit.
9. Imperial County	White Geese	From the first Saturday in November extending for a period of 86 days (Regular Season) and from the first <u>second</u> Saturday in February extending for a period of 47 <u>16</u> days (Late Season). During the Late Season, hunting is only permitted on private lands with the permission of the land owner under provisions of Section 2016, Fish and Game Code.	Daily bag limit: 20 Possession limit: triple the daily bag limit.

(e) Youth Waterfowl Hunting Days Regulations (NOTE: To participate in these Youth Waterfowl Hunts, federal regulations require that hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)		
(1) Statewide Provisions.		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag Limit</i>
Ducks (including Mergansers), American Coot, Common Moorhen, Black Brant, Geese	<p>1. Northeastern California Zone: The Saturday fourteen days before the opening of waterfowl season extending for 2 days.</p> <p>2. Southern San Joaquin Valley Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p> <p>3. Southern California Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p> <p>4. Colorado River Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p> <p>5. Balance of State Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p>	Same as regular season.
(f) Falconry Take of Ducks (including Mergansers), Geese, American Coots, and Common Moorhens.		
(1) Statewide Provisions		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers), Geese, American Coot and	<p>1. Northeastern California Zone. Open concurrently with duck season through January 13, 2019. <u>[No longer than 105 days.]</u></p>	<p>Daily bag limit: 3 Daily bag limit makeup: • Either all of 1 species or a mixture of species allowed for take.</p>

Common Moorhen	<p>2. Balance of State Zone. Open concurrently with duck season and February 2-3, 2019 <u>[No longer than 107 days]</u> EXCEPT in the North Coast Special Management Area where the falconry season for geese runs concurrently with the season for Small Canada geese (see 502(d)(6))</p> <p>3. Southern San Joaquin Valley Zone. Open concurrently with duck season and January 28-30, 2019. <u>[No longer than 107 days.]</u> Goose hunting in this zone by means of falconry is not permitted.</p> <p>4. Southern California Zone. Open concurrently with duck season and January 28-February 1, 2019. <u>[No longer than 107 days]</u> EXCEPT in the Imperial County Special Management Area where the falconry season for geese runs concurrently with the season for white geese.</p> <p>5. Colorado River Zone. Open concurrently with duck season and January 28-31, 2019. <u>[No longer than 105 days.]</u> Goose hunting in this zone by means of falconry is not permitted. Federal regulations require that California's hunting regulations conform to those of Arizona, where goose hunting by means of falconry is not permitted.</p>	Possession limit: 9
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Note: Authority cited: Sections 265 and 355, Fish and Game Code. Reference: Sections 265, 355 and 356, Fish and Game Code.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR PROPOSED REGULATORY ACTION

Amend Section 509
Title 14, California Code of Regulations
Re: Concurrence with Federal Regulations

I. Date of Initial Statement of Reasons: October 30, 2018

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|---------------------------|
| (a) Notice Hearing: | Date: | December 13, 2018 |
| | Location: | Oceanside, CA |
| (b) Discussion Hearing: | Date: | February 6, 2019 |
| (If necessary) | Location: | Sacramento, CA |
| (c) Adoption Hearing: | Date: | April 17, 2019 |
| | Location: | Los Angeles/Oceanside, CA |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations in Section 509, Title 14, California Code of Regulations (CCR), incorporate requirements found in Federal regulations, including requirement that hunters must possess a Federal migratory-bird hunting and conservation stamp for the taking of migratory birds. The U.S. Fish and Wildlife Service (Service) has begun issuing an electronic stamp, or E-stamp. To be consistent with Federal regulations and allow the Department to issue electronic Federal migratory-bird hunting and conservation stamps in the future, amendments to the text of Section 509 are necessary.

The proposed change is:

Amend the language in Section 509(c) to include "...or an unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...".

- (b) Goals and Benefits of the Regulation:

The benefits of the proposed administrative change are concurrence with Federal

law. The regulations provide for the conservation and maintenance of sufficient waterfowl populations to ensure their continued existence.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section 355, Fish and Game Code.

Reference: Sections 355 and 356, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication: No public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No other alternatives were identified.

(b) No Change Alternative:

The No Change Alternative would maintain the existing language that refers only to possession of a physical Federal migratory-bird hunting and conservation stamp and not of the E-stamp which is equally sufficient for proof of possession.

(c) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, the Competitive Advantages or Disadvantages for Businesses Currently Doing Business Within the State; the Increase or Decrease of Investment in the State; the Incentives for Innovation in Products, Materials, or Processes; Benefits of the Regulation to the Health, Safety and Welfare of California Residents, Worker Safety, and the State's Environment and Quality of Life:

The Commission does not anticipate any impacts on: the creation or elimination of jobs, the creation of new business or the elimination of existing businesses or the expansion of businesses in California, a decrease or increase in investment in California, incentives for innovation, benefits related to the regulation of health, safety and welfare of California residents, worker safety, and the State's environment because the proposed action is an administrative action to facilitate the recognition of the electronic Federal migratory-bird hunting and conservation stamp issued for hunting migratory game birds in California. If this administrative action increases transaction costs for hunters, minor negative impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (e) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment:

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Little to minor positive impacts on the creation of jobs within businesses that provide services to waterfowl hunters may result from amending state regulations to concur with Federal regulations for the 2019-20 season. The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California (revised 2011), estimated that waterfowl hunters contributed about \$169,115,000 to small businesses in California during the 2011 waterfowl hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. The 2011 report is posted on the U.S. Department of Commerce website at https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011_Survey.htm. A 2016 report is available, however data was not collected at the state level. The long-term intent of the proposed regulation is to allow hunters to obtain an electronic Federal migratory-bird hunting and conservation stamp in place of a physical federal stamp, which minimizes confusion with the hunting public and ensures compliance with state and federal regulations.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed regulation is unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulation is to allow hunters to obtain an electronic Federal migratory-bird hunting and conservation stamp in place of a physical stamp, which minimizes confusion with the hunting public and ensures compliance with state and Federal regulations.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

The regulation itself does not have direct benefits as it is an administrative change. However, hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation including exercise. People who hunt

have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the Regulation to Worker Safety:

The regulations will not affect worker safety because they do not address working conditions.

(f) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of waterfowl resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of waterfowl to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Modifying state regulations to comply with federal regulations minimizes confusion and ensures compliance. Additionally, the fees that hunters pay for licenses and stamps fund wildlife conservation.

Informative Digest/Policy Statement Overview

Current regulations in Section 509, Title 14, California Code of Regulations (CCR), incorporate requirements found in Federal regulations, including a requirement that hunters must possess a Federal migratory-bird hunting and conservation stamp for the taking of migratory birds. The U.S. Fish and Wildlife Service (Service) has begun issuing an electronic stamp, or E-stamp. To be consistent with Federal regulations and allow the Department to issue electronic Federal migratory-bird hunting and conservation stamps in the future, amendments to the text of Section 509 are necessary.

The proposed change is:

Amend the language in Section 509(c) to include "...or an unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...".

Benefits of the regulations

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the State's waterfowl resources.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 509 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Proposed Regulatory Text

Section 509, Title 14, California Code of Regulations, is amended to read:

§ 509. Concurrence with Federal Regulations.

(a) The regulations adopted by the United States through its Secretary of Interior under the Migratory Bird Treaty Act, as amended annually in Part 10, subparts A and B, and Part 20, Title 50, Code of Federal Regulations, are hereby adopted and made a part of this Title 14 except where said federal regulations are less restrictive than the provisions of Chapter 7 of this Title 14 (sections 500-509), the provisions of Chapter 7 prevail.

(b) Any violations of the regulations adopted pursuant to subsection (a) are violations of this section.

(c) It shall be unlawful for any person aged sixteen years or older to take any migratory waterfowl unless at the time of such taking the person carries in his or her immediate possession an unexpired Federal migratory-bird hunting and conservation stamp validated by his or her signature written by him or herself in ink across the face of the stamp or an unexpired Federal migratory-bird hunting and conservation electronic stamp, issued in his or her name prior to any taking of such birds.

Note: Authority cited: Section 355, Fish and Game Code. Reference: Part 10, subparts A and B, and Part 20, Title 50, CFR, amended Sept. 18, 1987, 52 Fed. Reg. 35248; 16 USC 718a; and Sections 355 and 356, Fish and Game Code.

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Wildlife Commission	CONTACT PERSON Margaret.Duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sections 502 & 509, T14, CCR, waterfowl 2019-20 season, Federal E Duck Stamp			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

The amendments to waterfowl regs do not impact private sector cost*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.**If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ YES☐ NO

If YES, explain briefly: _____

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____
Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____
Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE



DATE

11/5/18

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



DATE

11/7/18

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE